

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Timothy Nicholas Rhodes

Docket No. 7:04-CR-82-4M

Petition for Action on Supervised Release

COMES NOW Wesley J. Jackson, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Timothy Nicholas Rhodes, who, upon an earlier plea of guilty to Counts 5 and 6-Distribution of More than Five (5) Grams of Cocaine Base (Crack), in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable Malcolm J. Howard, United States District Judge, on April 4, 2007, to the custody of the Bureau of Prisons for a term of 324 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Timothy Nicholas Rhodes was released from custody on April 10, 2023, at which time the term of supervised release commenced in the Western District of North Carolina. On March 18, 2024, the Western District of North Carolina submitted a Transfer of Supervision Request to the Eastern District of North Carolina, indicating that the defendant had relocated back to the Eastern District of North Carolina. During supervision in the Western District, the defendant tested positive for illicit substances multiple times: on September 18, November 3, and December 20, 2023, for marijuana, and on December 8, 2023, for both marijuana and cocaine. Additionally, on March 27, 2024, in the Eastern District of North Carolina, the defendant tested positive for cocaine, methamphetamine, and marijuana. When confronted with these results and prior drug positives, the defendant admitted to using these substances before the tests. According to the Western District of North Carolina, Rhodes was participating in mental health treatment and progressing well with his treatment plan; however, he was never referred for substance abuse treatment. Following his arrival in our district, he was referred for a substance abuse and mental health assessment, and arrangements were being made for inpatient substance abuse treatment. On April 19, 2024, the defendant completed inpatient treatment at Wilmington Treatment Center. The defendant has since been participating in substance abuse and mental health treatment along with the Surprise Urinalysis Program.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On May 30, 2024, the defendant submitted a urine sample that was sent to the National Lab and confirmation was received on June 6, 2024, that the sample was positive for marijuana. When confronted with the positive results, the defendant admitted to using marijuana on May 29, 2024. He is active in his treatment program and his clinician is supportive of the proposed plan to continue working toward sobriety. He is honest about any instances of use.

Pursuant to 18 U.S.C. § 3583(d), the court shall consider whether the availability of appropriate substance abuse treatment programs, or a person's current or past participation in such programs, warrants an exception to 18 U.S.C. § 3583(g)(4) when considering any action against a defendant who fails a drug test while on supervised release. As Timothy Nicholas Rhodes is engaged in a treatment program, and considering 18 U.S.C. § 3583(d), the probation office respectfully recommends the defendant be permitted to continue supervision in lieu of revocation at this time. In response to his continued substance abuse, a 60-day curfew with location monitoring is suggested. Any subsequent substance abuse will be reported to the court. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

Timothy Nicholas Rhodes
Docket No. 7:04-CR-82-4M
Petition For Action
Page 2

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Mindy L. Threlkeld
Mindy L. Threlkeld
Supervising U.S. Probation Officer

/s/ Wesley J. Jackson
Wesley J. Jackson
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2551
Executed On: June 20, 2024

ORDER OF THE COURT

Considered and ordered this 24th day of June, 2024, and ordered filed and made a part of the records in the above case.

Richard E. Myers II
Richard E. Myers II
Chief United States District Judge